

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

TRANSMITTAL FORM

In re Application of: O'Lenick et al

Serial No:

Filed:

Ref: SUR-001

Commissioner of Patents and Trademarks
Washington, D.C. 20231

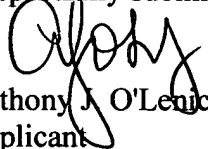
Dear Sir;

Please find enclosed the following components of an information disclosure statement:

1. PTO list of patents cited
2. Discussion under rule 98
3. Cited patents as follows; 6,331,293

Applicant respectfully contends that this package conforms to the provisions of 37 C.F.R. 1.98 and 37 C.F.R. 1.97. Applicant respectfully requests that the information contained herein be considered by the examiner in charge of the case.

Respectfully submitted;


Anthony J. O'Lenick, Jr.
Applicant

January 24, 2004
(678) 442-0210



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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet

1

of

1

Application Number

Filing Date

First Named Inventor

O'Lenick

Group Art Unit

Examiner Name _____

Attorney Docket Number

SnR-001

[illegible][illegible]Date
Considered

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

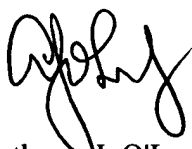
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Discussion Under Rule 98

U.S. Patent 6,331,293 issued December 18, 2001 to Smith et al describes phosphobetaines that are derived from dimer acid. Unlike the compounds of the present invention, these materials are amphoteric surfactants and are barriers when applied to the skin. It is stated that the compounds are "extremely substantitive to human skin and are well tolerated by human tissue making them suitable for use preparation of barrier products for personal care applications". Unlike these materials, the compounds of the present invention are not amphoteric, but are quats, are not barriers but are conditioning agents that do not build up on the hair or skin.

Respectfully submitted;



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